

sizes of the fruit for which regulation is recommended; (2) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (3) other pertinent market information and (4) the level and trend of consumer income. The committee shall submit to the Secretary its recommendations and supporting information respecting the factors enumerated in this section.

(b) The committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 905.52 by mailing a notice of meeting to each handler who has filed his address with the committee for this purpose. The committee shall give the same notice of any such recommendation before the time it is recommended that such regulation become effective.

PROPOSAL No. 16

Amend § 905.52 by:

- (1) Revising the title thereof;
- (2) Substituting "committee" for "Shippers Advisory Committee and the Growers Administrative Committee" in the first sentence of paragraph (a);
- (3) Revising the proviso in subparagraph (1) of paragraph (a);
- (4) Substituting "State of Florida Citrus Fruit Laws" for "Florida Citrus Code" in subparagraph (5) of paragraph (a);
- (5) Deleting "Growers Administrative Committee" in paragraph (b) and "Shippers Advisory Committee and the Growers Administrative Committee" in paragraph (c) and substituting therefor the word "committee"; and
- (6) Adding "of any variety of" following the words "to any or all shipments" in the first sentence of paragraph (c).

As so amended § 905.52 would read:

§ 905.52 Issuance of regulations.

(a) Whenever the Secretary shall find from the recommendations and reports of the committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

- (1) Limit the shipments of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided*, That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety, the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler in such prior period established by the committee with the ap-

proval of the Secretary, in which he shipped such variety.

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada and Mexico: *Provided*, That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of the State of Florida Citrus Fruit Laws.

(b) Prior to the beginning of any such regulations, the Secretary shall notify the committee of the regulation issued by him, and the committee shall notify all handlers by mailing a copy thereof to each handler who has filed his address with the committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of any variety of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) * * *

PROPOSAL No. 17

Delete § 905.54.

PROPOSAL No. 18

Substitute "committee" for references to "Growers Administrative Committee and Shippers Advisory Committee" in §§ 905.27, 905.28, 905.29, 905.30, 905.35, 905.36, 905.40, 905.41, 905.42, 905.50, 905.53, 905.70, 905.71, 905.80, 905.84, and 905.88.

PROPOSAL No. 19

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Lakeland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 302 South Massachusetts Avenue, Rm. 204-206—Florida Citrus Mutual Bldg. (Mailing address: P.O. Box 9), Lakeland, Florida 33802, or from the Hearing Clerk, Room 112-A Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C. on: February 18, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.77-5655 Filed 2-22-77;8:45 am]

[7 CFR Part 987]

[Docket No. AO-269-A 6]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Hearing on Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Notice is hereby given of a public hearing to be held on March 2, 1977, at Indio Chamber of Commerce Conference Room, 82503 Highway 111, Indio, California, beginning at 9:00 a.m., with respect to proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended, regulating the handling of dates produced or packed in Riverside County, California.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedures governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement, as amended, and the order, as amended.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by the California Date Administrative Committee:

PROPOSAL No. 1

1. Amend § 987.6 to read:

§ 987.6 Crop year.

"Crop year" means the 12-month period beginning October 1 of each year and ending September 30 of the following year.

§ 987.7 [Amended]

2. Amend § 987.8 by deleting reference to "§ 987.22" and substitute "§ 987.21".

§ 987.9 [Amended]

3. Revise § 987.9 by deleting that part of the provision starting with "the counties of San Bernardino" through "as handling" and substitute "or counties adjacent to such area of production, shall not be considered handling".

4. Amend § 987.11 to read:

§ 987.11 Trade demand.

"Trade demand" means those quantities of marketable dates the Committee finds are required to satisfy the need for dates in specific outlets wherein marketable dates are handled.

5. Revise § 987.12 to read:

§ 987.12 Marketable dates.

"Marketable dates means those dates which are certified as equal to or higher than the applicable minimum grade and size requirements in effect pursuant to § 987.39, and any additional applicable

requirements in effect pursuant to § 987.40. Marketable dates shall include but not be limited to the following:

(a) *DAC dates.* DAC dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Secretary upon Committee recommendations for a specified variety for handling in the United States and Canada.

(b) *Dates for further processing.* Dates for further processing (FP) are marketable whole dates acquired by one handler from another handler that are certified as meeting the same grade and size requirements for DAC dates, with the exception of moisture requirements, and such identification requirements applicable to FP dates that are established by the Secretary upon recommendation of the Committee for any specific variety.

(c) *Export dates.* Export dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Secretary upon Committee recommendations for a specific variety, to be handled in export to any country or group of countries with the exception of Canada. The Secretary may establish different requirements for different countries.

(d) *Product dates.* Product dates are marketable dates that are inspected and certified as meeting the applicable grade and size requirements for disposition in such forms as rings, chunks, pieces, butter, macerate, paste, or any other forms which the Committee deems appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates.

6. Amend § 987.13 to read:

§ 987.13 Free dates.

"Free dates" means dates of any variety that are at the time of certification destined for consumption in whole or pitted form in the United States and Canada (and such other countries as may be determined by the Committee likely to acquire them at prices reasonably comparable with prices received domestically) and which are being handled pursuant to any free percentage established by the Secretary in accordance with § 987.44.

§§ 987.9, 987.15, 987.17, 987.56, 987.57, 987.64 [Amended]

7. In §§ 987.9, 987.15, 987.47, 987.56, 987.57, and 987.64, substitute "utility dates" in lieu of "substandard dates".

§ 987.16 [Amended]

8. Amend § 987.16 by deleting the words "section 798 of the Agricultural Code" and inserting in lieu thereof "Title 3, Article 24, Section 1434 of the Food and Agricultural Code".

§ 987.22 [Deleted]

9. Delete § 987.22 and amend § 987.21 by changing title to "Establishment and membership", and amending section to read:

§ 987.21 Establishment and membership.

A California Date Administrative Committee consisting of nine members is hereby established to administer the terms and conditions of this part. For each member there shall be an alternate member and the provisions of this part applicable to the number, nomination, qualification and selection of members shall apply in like manner to alternate members. Three of the members, hereinafter referred to in this part as "producer members" shall be producers or officers or employees of producers, and shall not be handlers, employees of handlers, or serve as officers or on the board of directors of any handler organization. Six of the remaining members, shall be selected from handlers or producers or officers or employees of handlers or producers not qualifying under the category "producer members". Following a substantial change in the industry that results in the Committee group composition specified in this subpart as being no longer representative, the Secretary, upon a recommendation of the Committee, may issue rules and regulations changing the representation reflecting the changed industry structure.

§ 987.23 [Amended]

10. Amend that part of the first sentence of § 987.23 preceding the word "provided" to read: "The term of office for members and alternate members shall be two years beginning August 1, except such term may be shorter if the Committee composition is changed in the interim pursuant to § 987.21. Each member and alternate member shall, unless otherwise ordered by the Secretary, continue to serve until his successor has been selected and has qualified".

11. Amend § 987.24 to read:

§ 987.24 Nomination and selection.

(a) Nomination for members of the Committee shall be made not later than June 15 of every odd year, except that in 1977, the latest date for such nominations shall be not later than a reasonable time after the effective date of the amended subpart.

(b) Opportunity shall be provided all handlers and producers to nominate representatives on the Committee by establishing a day for polling and also provision for absentee ballots. Producers, producer-handlers and handlers will only be able to vote in that group where they would be qualified to serve on the Committee. Producers, producer-handlers, and handlers shall nominate the applicable number of individuals for member positions in conformity with § 987.21. Each producer, regardless of the number and locations of his date gardens, shall be entitled to one vote for each producer member and alternate member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Each producer-handler or handler shall be given the opportunity to vote for one producer-handler or handler member and alter-

nate member position. His ballot shall be weighted by the pounds of dates he produced in his own gardens or acquired from other producers and had certified as marketable dates from the beginning of the current crop year through April. The individual receiving the highest weighted vote for a producer-handler or handler position shall be the nominee. The Committee shall adopt rules providing specifics regarding pooling, balloting, absentee ballots, and the weighting of votes for producer-handler or handler positions when the Committee is restructured during the interim of a regular term of office.

(c) In the event that all available positions are not filled by the aforesaid procedure, the then current Committee may recommend nominees for the positions unfilled.

(d) Promptly after each election, the Committee shall report to the Secretary the results thereof, enclosing ballots with weights assigned by the Committee and with any other information requested by the Secretary. The Secretary shall select members and alternates on the basis of representation provided in § 987.21 from nominations made pursuant to this subpart, or from other eligible persons. If nominations are not made within the time and manner prescribed herein, the Secretary may, without regard to nominations, select the members and alternates on the basis of representation provided in § 987.21.

12. Amend § 987.26 to read:

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the failure to qualify, declination to serve, removal, resignation, disqualification, or death of any nominee selected to serve on the Committee, or any member or alternate member appointed by the Secretary, the Committee shall promptly submit its recommendation to the Secretary of a nominee qualified as a replacement who meets the group representation requirements set forth in § 987.21. If the vacancy is for a member position, whenever practicable the Committee shall recommend appointment of the alternate member. If the Committee's recommendation is not submitted within 30 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided in said § 987.21.

§ 987.27 [Amended]

13. Amend § 987.27 by deleting from the second sentence the words "(producers or handlers as the case may be) they represent" and substitute instead "he represents".

§ 987.30 Duties.

14. Amend § 987.30 by adding a new paragraph (h) to read:

(h) To furnish the Committee viewpoints of the consumer, the Committee may utilize a consumer consultant. Such

person shall have no financial interest in the date industry and shall receive no compensation; however, such person shall be reimbursed for necessary expenses attendant to those functions and studies that the Committee has given prior support and approval.

15. Amend paragraphs (a) and (c) of § 987.31 to read:

§ 987.31 Procedure.

(a) A majority of the Committee shall constitute a quorum.

(c) For any decision of the Committee to be valid, a concurring vote of at least five members is required, except as follows:

(1) In matters relating to restructuring Committee composition pursuant to § 987.21, concurrence by at least eight members is required;

(2) In matters relating to establishment, modification and application of free and restricted percentages pursuant to §§ 987.44 and 987.46, concurrence by at least seven members is required; and

(3) In matters relating to recommendation of any program of paid advertising or major program of market promotion pursuant to § 987.33, concurrence by at least six members is required.

At all assembled meetings each vote shall be cast in person.

§ 987.33 [Amended]

16. Amend § 987.33 by deleting from the third sentence "favored by at least six members including alternates acting as members" and substituting "the requisite concurring votes under § 987.31 (c) (iii) have been obtained".

17. Amend § 987.34 to read:

§ 987.34 Development.

As early as practicable, but no later than October 31, the Committee shall prepare and submit to the Secretary, a report setting forth its marketing policy including data on which it is based, for regulation of dates in the crop year.

(a) The Committee shall consider such factors as: (1) The estimated production of dates during the crop year; (2) the estimated production of marketable dates to be used in DAC, export, and product outlets; (3) the handler carry-in on October 1, to be used in DAC, export, and product outlets; (4) the estimated trade demand in each of those outlets during the crop year; and (5) the desirable carryout by those outlets.

(b) If dates to be handled as free dates are not synonymous with those to be handled in DAC outlets, the Committee shall consider such additional factors as: (1) The supply of marketable dates that will be available from the estimated production, and from the October 1, carryin, that could be used as free dates, and (2) the estimated trade demand for free dates during the current crop year, and the desirable carryout for free dates.

(c) Its recommendation as to grade and size regulation; and

(d) Its recommendation whether free and restricted percentages should be established.

18. Add a new section, § 987.38 as follows:

§ 987.38 Handlers of record.

Each crop year by no later than October 10 for continuing handlers and prior to handling dates in the case of new handlers, any person desiring to handle dates shall submit a CDAC Form 18 to the Committee containing the following information with respect to all dates which such person anticipates handling:

(a) The name and address of each producer and the legal owner of each date garden where such dates will be produced;

(b) The location of each garden; and

(c) The acreage and estimated current season's production thereon.

Those reports required to be filed by October 10 shall reflect producers who are signed up with the handlers as of October 1 of the current crop year.

Applicant shall also submit proof satisfactory to the Committee that he has satisfied all applicable Federal and State licensing requirements for the handling of dates.

The Committee may adopt procedural rules and regulation to enforce these provisions.

19. Amend the first sentence of § 987.39 to read:

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act, all dates handled as marketable dates shall meet the requirements of U.S. Grade C, or if for further processing, U.S. Grade C (Dry), of the effective U.S. Standards for Grades of Dates (7 CFR § 52.1001); *Provided*, That the Secretary, may upon recommendation of the Committee, prescribe other minimum standards of grades and sizes for marketable dates of any variety to be handled in any designated outlet.* * *

§ 987.40 [Amended]

20. Amend § 987.40 by inserting in the first sentence between the words "handled" and "or" the words "in any designated outlet" and in the last sentence between "variety" and "or" insert the words "in any designated outlet". Also, in the first sentence, substitute "withholding obligation" in lieu of "restricted obligation".

21. Add a new section, § 987.43 to read:

§ 987.43 Outlets and specifications for marketable dates.

Marketable dates shall not be handled or otherwise disposed of except as provided in this subpart; however, the provisions of this section shall not preclude dates of better grades or sizes being handled or otherwise disposed of in any outlet established for dates of lesser grades or sizes. The designations specified in § 987.12 may, upon recommendation of the Committee indicating need therefor and the approval of the Secretary, be modified to reflect new major outlets and regulatory specifics that are needed because of change in marketing opportunities. Marketable dates shall include but

not be limited to the following: DAC dates, Dates for further processing, Export dates, and Product dates.

22. Amend first sentence of § 987.44 to read:

§ 987.44 Free and restricted percentages.

(a) Whenever the Committee finds that the available supply of marketable dates of applicable grade and size available to satisfy the trade demand for free dates of any variety, is likely to be excessive, and that limiting the volume of marketable dates to be handled as free dates through establishment of free and restricted percentage applicable to such variety of such dates would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. * * *

§ 987.45 [Amended]

23. Amend § 987.45 as follows:

In paragraph (a) delete the part of the first sentence that reads "or for further processing" and insert in lieu thereof: "as free dates (including those for further processing that are to be handled as free dates)".

In paragraph (b) after the word "handled" in the last sentence, insert "as free dates (including those for further processing that were handled as free dates)".

In paragraph (c) insert the word "free" before the word "dates" where that word appears in the first sentence, the fourth sentence and the fifth sentence.

In paragraphs (d) and (f) wherever the words "restricted obligation" appear substitute the words "withholding obligation".

In paragraph (e), delete the words "from handling" in the first sentence.

§ 987.46 [Amended]

24. Amend § 987.46 as follows:

In the first sentence after the words "trade demand" and "available supply" insert the words, respectively, "for free dates" and "of marketable dates of applicable grade and size". In the second sentence before the word "dates" insert the word "free".

§ 987.50 [Amended]

25. Amend § 987.50 as follows:

Insert the word "free" before the word "dates" wherever that word appears in this section.

§ 987.54 [Deleted]

26. Delete § 987.54.

27. Amend § 987.55 to read as follows:

§ 987.55 Outlets for restricted dates.

Restricted dates may be disposed of only through exportation to such countries as the Committee may approve or by diversion in product outlets described in § 987.43 which the Committee concludes to be appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates. To facilitate sales and

promote orderly marketing of any variety of restricted dates handled in export, the Committee may participate in or negotiate for handlers, the sale of such dates to meet all or a substantial part of the needs of the particular country, and, in connection with each sale, the Committee shall extend to all handlers an opportunity to participate therein, and shall distribute the returns therefrom to participating handlers according to their respective contributions of dates. The Committee may adopt rules and regulations governing the opportunity to participate in such sales. The provisions of this section shall not preclude restricted dates being disposed of in outlets for utility and cull dates prescribed in § 987.56.

§ 987.56 [Amended]

29. Amend § 987.56 by deleting from the first sentence the phrase "concludes are noncompetitive with the outlets for free and restricted dates"; and insert in lieu thereof "with the approval of the Secretary, may specify:".

29. Amend § 987.57 by revising the title and the first sentence thereof to read:

§ 987.57 Approved manufacturers or feeders.

(a) Diversion of dates pursuant to §§ 987.55 or 987.56, shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. * * *

30. Amend § 987.61 to read as follows:

§ 987.61 Reports of handler carryover.

Each handler shall file each year with the Committee written reports of his carryover of dates as of April 1, October 1, and at such other times as the Committee may prescribe: *Provided*, That during those seasons when volume regulations are established by the Secretary, the handler shall file an additional report of the handler's January 1 carryover. Such reports shall be filed within 10 days of the date of the carryover. These reporting dates specified may be changed, upon recommendation of the Committee, together with substantiation of the need therefor, with the approval of the Secretary.

§ 987.64 [Amended]

31. Amend § 987.64 by deleting from the current provisions the words "for which the disposition is prescribed in §§ 987.55 and 987.56".

§ 987.68 [Amended]

32. Amend § 987.68 by changing the third sentence to read: "All handlers shall cause to be made and shall maintain, complete records which accurately show the quantity of dates handled, disposed of, and withheld".

33. Amend § 987.72(a) by changing the first sentence to read:

§ 987.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Committee, upon demand, on all dates he has certified as meeting the requirements for

marketable dates and utility dates utilized in product outlets including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f), his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during each crop year. * * *

Proposed by the Fruit and Vegetable Division, Agricultural Marketing Service:

PROPOSAL No. 2

Make such other changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Los Angeles Marketing Field Office, 417 So. Hill Street, Suite 900-B, Los Angeles, CA 90013, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on: February 18, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.77-5556 Filed 2-22-77; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 200]

[Release No. 33-5805, 34-13265, 35-19885, 39-454, IC-9649, IA-570, POIA-50; File No. S7-674; Comment Deadline: March 7, 1977]

PUBLIC OBSERVATION OF COMMISSION MEETINGS, INFORMATION AND REQUESTS, AND RELATED MATTERS

Supplemental Information Concerning Notice of Proposed Rulemaking

The Securities and Exchange Commission today announced that the deadline for receipt of public comment on the Commission's rulemaking proposals to implement the Government in the Sunshine Act, and for related purposes, announced in Securities Act Release No. 5802 (Feb. 2, 1977), 42 FR 6827 (Feb. 4, 1977), is the close of business on Monday, March 7, 1977. The heading of Release No. 5802 accurately indicates this comment deadline; the final paragraph of the text of the release incorrectly states, however, that the comment period will extend until March 11, 1977. The Sunshine Act requires 30 days notice in the FEDERAL REGISTER and opportunity for public comment on proposed implementing rules. See 5 U.S.C. 552b(g). The Commission believes it necessary that the comment period terminate on March 7 in order that all comments received may be evaluated and final action on these rule proposals announced prior to March 12, 1977, the effective date of the Act. As is customary, the Commission will, to the extent feasible, consider comments received after the comment deadline, and should such late comments indicate the need for amendments to the Commis-

sion's rules, appropriate steps will be taken.

The Commission has also announced that, to the extent necessary to permit the regular continuation of Commission business during the week of March 14, 1977, it intends, beginning March 7, 1977, to adhere to the provisions in the Sunshine Act governing prior notice of agency meetings. In some circumstances, the Act requires that public announcement of agency meetings be made at least one week prior to the start of the meeting in question. Accordingly, although the Act does not take effect until March 12, 1977, informal implementation of its notice requirements may be necessary commencing on or after March 7, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 16, 1977.

[FR Doc.77-5518 Filed 2-22-77; 8:45 am]

[17 CFR Part 240]

[Release No. 34-13273; File S7-676]

RECORDKEEPING

Filing of Agreements by Outside Service Bureaus

The Securities and Exchange Commission today announced the proposed amendment of Rule 17a-4 (17 CFR 240.17a-4) under the Securities Exchange Act of 1934 (the "Act") by adding a new paragraph (i) which would provide for the filing with the Commission of a written agreement entered into between a member, broker or dealer and an outside service bureau, specifying that the records prepared or maintained for the member, broker or dealer are the property of such member, broker or dealer; that such records are subject to examination by the Commission or its designee; and that copies of such records shall be promptly furnished upon request to the Commission or its designee.

Proposed paragraph (i) also restates Commission policy that an agreement with an outside entity in no way relieves a member, broker or dealer of its responsibility to maintain and preserve records as specified in § 240.17a-3 and § 240.17a-4.¹

The proposed effective date of § 240.17a-4(i) is January 1, 1978. This date is intended to provide members, brokers and dealers time to amend their existing agreements in accordance with the proposed amendment.

As proposed, new paragraph (i) of § 240.17a-4 would read as follows:

§ 240.17a-4 Records to be preserved by certain exchange members, brokers and dealers.

(i) If the records required to be maintained and preserved pursuant to the provisions of § 240.17a-3 and § 240.17a-4

¹ Securities Exchange Act Release No. 10756 (April 26, 1974).

are prepared or maintained by an outside service bureau, depository, bank which does not operate pursuant to Section 17a-3(b) (2) or other record-keeping service on behalf of the member, broker or dealer required to maintain and preserve such records, (1) such member, broker or dealer shall obtain from such outside entity and shall file with the Commission an agreement, in writing, to the effect that such records are the property of the member, broker or dealer required to maintain and preserve such records and will be surrendered promptly on request of the member, broker or dealer; and (2) such outside entity shall file with the Commission a written undertaking in form acceptable to the Commission, signed by a duly authorized person, and including the following provisions:

With respect to any books and records maintained or preserved on behalf of (BD), the undersigned hereby undertakes to permit examination of such books and records at any time or from time to time during business hours by representatives or designees of the Securities and Exchange Commission, and to promptly furnish to said Commission or its designee true, correct, complete and current hard copy of any or all or any part of such books and records.

Agreement with an outside entity shall not relieve such member, broker or dealer from the responsibility to prepare and maintain records as specified in this section or in § 240.17a-3. (End of text of proposed rule)

All interested persons are invited to submit in triplicate written statements of views and comments on the proposed amendment to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before May 1, 1977. They should refer to File No. 676.

All comments will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 16, 1977.

[FR Doc.77-5516 Filed 2-22-77;8:45 am]

POSTAL SERVICE

[39 CFR Part 232]

POSTAL LOSSES AND OFFENSES

Conduct With Regard to Meetings of the Board of Governors

AGENCY: United States Postal Service.
ACTION: Proposed Rule.

SUMMARY: This notice presents for comment a proposed amendment to Postal Service regulations to establish rules of conduct with regard to meetings of the Board of Governors of the Postal Service. Opening meetings of the Board to public observation under the Government in the Sunshine Act makes it necessary to establish rules governing decorum at Board meetings, as well as penalties for persons who violate those rules.

DATES: Comments must be received on or before March 25, 1977.

ADDRESSES:

Secretary of the Board of Governors,
U.S. Postal Service, Room 9150, 475
L'Enfant Plaza West, SW., Washing-
ton, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

James French, (202) 245-4601.

SUPPLEMENTARY INFORMATION:

Under existing postal regulations, 39 CFR 232.6, certain types of conduct are prohibited on real property under the charge and control of the Postal Service. Violation of these prohibitions may subject the offender to fine, imprisonment, or both, upon conviction in a Federal district court or by a Federal magistrate. In order to assure that opening meetings of the Postal Service Board of Governors to public observation under the Sunshine Act, Pub. L. No. 94-409, will not result in the disruption of the business of the Board, the Postal Service has determined it to be necessary to add provisions to § 232.6 which specifically prohibit certain types of conduct with regard to meetings of the Board.

The Postal Service proposes to insert a new paragraph (n) in § 232.6. The proposed paragraph would forbid any person to participate in, electronically record, photograph, film, televise, or broadcast any meeting of the Board or any of its committees without permission from the chair. This prohibition would duplicate a provision in the rules on public observation of meetings contained in the bylaws of the Board under 5 U.S.C. 552b(g).

The proposed paragraph would also prohibit disorderly conduct which tends to impede or disturb the members of the Board in the performance of their duties, or to interfere with members of the public who are attempting to attend or observe a Board meeting. It should be noted that this prohibition would apply to attempts to disrupt a closed meeting, as well as an open one, and to conduct which disturbs members of the public, as well as the members of the Board.

Violation of the proposed rules with regard to a meeting would subject an offender to expulsion from postal property during the meeting, and to possible prosecution under the appropriate provisions of § 232.6. In order to provide adequate notice of the conduct prohibited, the proposed rules and other provisions concerning conduct on postal property would be posted in prominent locations at the public entrances to postal property and outside the meeting room at any meeting of the Board or any of its committees.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendment:

In 39 CFR 232.6, redesignate paragraphs (n) and (o) as "(o)" and "(p)" respectively, and insert new paragraph (n) as follows:

§ 232.6 Conduct on postal property.

(n) *Conduct with regard to meetings of the Board of Governors.* (1) Without the permission of the chairman no person may participate in, electronically record, photograph, film, televise, or broadcast any portion of any meeting of the Board or any subdivision or committee of the Board.

(2) Disorderly conduct, or conduct which creates loud or unusual noise, obstructs the ordinary use of entrances, foyers, corridors, offices, meeting rooms, elevators, stairways, or parking lots, or otherwise tends to impede or disturb the members of the Board in the performance of their duties, or members of the public while attempting to attend or observe a meeting of the Board or of any subdivision or committee of the Board, is prohibited.

(3) Any person who violates paragraph (n) (1) or (2) of this section may, in addition to being subject to the penalties prescribed in paragraph (o) of this section, be removed from and barred from reentering postal property during the meeting with respect to which the violation occurred.

(4) A copy of the rules of this section governing conduct on postal property, including the rules of this paragraph appropriately highlighted, shall be posted in prominent locations at the public entrances to postal property and outside the meeting room at any meeting of the Board of Governors or of any subdivision or committee of the Board.

(39 U.S.C. 401; 40 U.S.C. 318, 318a, 318b, 318c.)

LOUIS A. COX,
General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 690-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MAINE

Revision To Exempt Wood Waste Cone Burners From the Emission Limitation and Opacity Limitation

On May 31, 1972 (37 FR 10842) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Maine Implementation Plan for the attainment of national ambient air quality standards.

On August 26, 1976, the Commissioner of the Maine Department of Environmental Protection submitted a proposed revision to the State Implementation Plan (SIP) which would exempt wood waste cone burners from the existing incinerator emission limitation and the opacity regulation. EPA, Region I reviewed the technical support documentation which accompanied the revision and found that it did not provide conclusive analyses to show maintenance of Na-